

CENTER FOR DISABILITY ACCESS  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**Chris Langer,**

Plaintiff,

v.

**George L. Huang;  
Thomas L. Huang;  
Pasadena Zankou, Inc.,** a  
California Corporation; and Does 1-  
10,

Defendants.

**Case No.**

**Complaint For Damages And  
Injunctive Relief For** Violations  
Of: American's With Disabilities  
Act; Unruh Civil Rights Act

Plaintiff Chris Langer complains of Defendants George L. Huang;  
Thomas L. Huang; Pasadena Zankou, Inc., a California Corporation; and  
Does 1-10 ("Defendants") and alleges as follows:

**PARTIES:**

1. Plaintiff is a California resident with physical disabilities. He is a paraplegic who cannot walk and who uses a wheelchair for mobility. He has a specially equipped van with a ramp that deploys out of the passenger side of his van and he has a Disabled Person Parking Placard issued to him by the

1 State of California.

2 2. Defendants George L. Huang and Thomas L. Huang owned the  
3 property located at or about 1296 E. Colorado Blvd., Pasadena, California, in  
4 September 2016.

5 3. Defendants George L. Huang and Thomas L. Huang own the property  
6 located at or about 1296 E. Colorado Blvd., Pasadena, California, currently.

7 4. Defendant Pasadena Zankou, Inc. owned the Zankou Chicken  
8 restaurant located at or about 1296 E. Colorado Blvd., Pasadena, California,  
9 in September 2016.

10 5. Defendant Pasadena Zankou, Inc. owns the Zankou Chicken  
11 restaurant ("Restaurant") located at or about 1296 E. Colorado Blvd.,  
12 Pasadena, California, currently.

13 6. Plaintiff does not know the true names of Defendants, their business  
14 capacities, their ownership connection to the property and business, or their  
15 relative responsibilities in causing the access violations herein complained of,  
16 and alleges a joint venture and common enterprise by all such Defendants.  
17 Plaintiff is informed and believes that each of the Defendants herein,  
18 including Does 1 through 10, inclusive, is responsible in some capacity for  
19 the events herein alleged, or is a necessary party for obtaining appropriate  
20 relief. Plaintiff will seek leave to amend when the true names, capacities,  
21 connections, and responsibilities of the Defendants and Does 1 through 10,  
22 inclusive, are ascertained.

23  
24 **JURISDICTION & VENUE:**

25 7. This Court has subject matter jurisdiction over this action pursuant to  
26 28 U.S.C. § 1331 and § 1343(a)(3) & (a)(4) for violations of the Americans  
27 with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

28 8. Pursuant to supplemental jurisdiction, an attendant and related cause

1 of action, arising from the same nucleus of operative facts and arising out of  
2 the same transactions, is also brought under California's Unruh Civil Rights  
3 Act, which act expressly incorporates the Americans with Disabilities Act.

4 9. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is  
5 founded on the fact that the real property which is the subject of this action is  
6 located in this district and that Plaintiff's cause of action arose in this district.

7  
8 **FACTUAL ALLEGATIONS:**

9 10. The Plaintiff went to the Restaurant in September 2016 to eat.

10 11. The Restaurant is a facility open to the public, a place of public  
11 accommodation, and a business establishment.

12 12. Parking spaces are one of the facilities, privileges and advantages  
13 specifically reserved by defendants to persons at the property serving the  
14 Restaurant.

15 13. Unfortunately, although parking spaces were one of the facilities  
16 reserved for patrons, there were no compliant accessible handicap parking  
17 spaces available for persons with disabilities that complied with the  
18 Americans with Disability Act Accessibility Guidelines (ADAAG) in  
19 September 2016.

20 14. Instead, there is just a single parking space reserved for persons with  
21 disabilities in the back parking lot, which is where the designated parking for  
22 the Restaurant is located. Unfortunately, the parking space is 96 inches in  
23 width while the access aisle is nothing more than a small triangle that is non-  
24 compliant with the law.

25 15. On information and belief, plaintiff alleges that an accessible parking  
26 space used to be reserved in the parking lot. Unfortunately, the International  
27 Symbol of Accessibility logo has been blacked out, even though the square  
28 remains.

1 16. The defendants had no policy or plan in place to make sure that the  
2 accessible parking space remained useable prior to September 2016.

3 17. The defendants have no policy or plan in place to make sure that the  
4 accessible parking spaces reserved for persons with disabilities remain  
5 compliant currently.

6 18. Plaintiff personally encountered these barriers.

7 19. This inaccessible condition denied the plaintiff full and equal access  
8 and caused him difficulty and frustration.

9 20. Additionally, and even though plaintiff did not personally confront the  
10 barrier, the transaction counter is 42 inches in height. There is no lowered,  
11 36 inch portion of counter for use by persons in wheelchairs.

12 21. Restrooms are one of the facilities, privileges and advantages offered  
13 to persons at the Restaurant.

14 22. Unfortunately, the plumbing underneath the sink is not wrapped to  
15 protect against burning contact.

16 23. The restroom mirror is mounted on the wall so that its bottom edge is  
17 approximately 45 inches above the floor and is not effectively used by  
18 wheelchair users.

19 24. Finally, there is no clear floor space in front of the paper towel  
20 dispenser because it is mounted on the wall behind the trash can.

21 25. Plaintiff would like to return and patronize this Restaurant.

22 26. Plaintiff visits Los Angeles County on a regular basis. He attends  
23 auctions, shops, and otherwise patronizes businesses in the area regularly.

24 27. Plaintiff would like to return.

25 28. The defendants have failed to maintain in working and useable  
26 conditions those features required to provide ready access to persons with  
27 disabilities.

28 29. The violations identified above are easily removed without much

1 difficulty or expense. They are the types of barriers identified by the  
2 Department of Justice as presumably readily achievable to remove and, in  
3 fact, these barriers are readily achievable to remove. Moreover, there are  
4 numerous alternative accommodations that could be made to provide a  
5 greater level of access if complete removal were not achievable.

6 30. Plaintiff is and has been deterred from returning and patronizing the  
7 Restaurant because of his knowledge of the illegal barriers that exist. Plaintiff  
8 will, nonetheless, return to assess ongoing compliance with the ADA and will  
9 return to patronize the Restaurant as a customer once the barriers are  
10 removed.

11 31. Given the obvious and blatant violation, the plaintiff alleges, on  
12 information and belief, that there are other violations and barriers on the site  
13 that relate to his disability. Plaintiff will amend the complaint, to provide  
14 proper notice regarding the scope of this lawsuit, once he conducts a site  
15 inspection. However, please be on notice that the plaintiff seeks to have all  
16 barriers related to his disability remedied. See *Doran v. 7-11*, 524 F.3d 1034  
17 (9th Cir. 2008) (holding that once a plaintiff encounters one barrier at a site,  
18 he can sue to have all barriers that relate to his disability removed regardless  
19 of whether he personally encountered them).

20 32. Additionally, on information and belief, the plaintiff alleges that the  
21 failure to remove these barriers was intentional because: (1) these particular  
22 barriers are intuitive and obvious; (2) the defendants exercised control and  
23 dominion over the conditions at this location and, therefore, the lack of  
24 accessible facilities was not an “accident” because had the defendants  
25 intended any other configuration, they had the means and ability to make the  
26 change.

**I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990** (On behalf of plaintiffs and against all defendants (42 U.S.C. section 12101, et seq.)

33. Plaintiff repleads and incorporates by reference, as if fully set forth again herein, the allegations contained in all prior paragraphs of this complaint.

34. Under the ADA, it is an act of discrimination to fail to ensure that the privileges, advantages, accommodations, facilities, goods and services of any place of public accommodation is offered on a full and equal basis by anyone who owns, leases, or operates a place of public accommodation. See 42 U.S.C. § 12182(a). Discrimination is defined, inter alia, as follows:

- a. A failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the accommodation would work a fundamental alteration of those services and facilities. 42 U.S.C. § 12182(b)(2)(A)(ii).
- b. A failure to remove architectural barriers where such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv). Barriers are defined by reference to the ADAAG, found at 28 C.F.R., Part 36, Appendix "D."
- c. A failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs or to ensure that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by

1 individuals with disabilities. 42 U.S.C. § 12183(a)(2).

2 35. Any business that provides parking spaces must provide accessible  
3 parking spaces. 1991 Standards § 4.1.2(5); 2010 Standards § 208. One in  
4 every eight of those accessible parking spaces but not less than one must be a  
5 “van” accessible parking space, *i.e.*, having an eight foot access aisle. 1991  
6 Standards § 4.1.2(5)(b). Under the 2010 Standards, one in every six  
7 accessible parking spaces must be van accessible. 2010 Standards § 208.2.4.

8 36. Here, the lack of an accessible parking space is a violation of the law.

9 37. In areas used for transactions where counters have cash registers and  
10 are provided for sales or distribution of goods or services to the public, at least  
11 one of each type shall have a portion of the counter which is at least 36 inches  
12 in length with a maximum height of 36 inches above the floor. 1991  
13 Standards § 7.2(1). Under the 2010 Standards, where the approach to the  
14 sales or service counter is a parallel approach, such as in this case, there must  
15 be a portion of the sales counter that is no higher than 36 inches above the  
16 floor and 36 inches in width and must extend the same depth as the rest of  
17 the sales or service counter top. 2010 Standards § 904.4 & 904.4.1.

18 38. Here, no such accessible transaction counter has been provided in  
19 violation of the ADA.

20 39. Hot water and drain pipes under lavatories must be insulated or  
21 otherwise configured to protect against contact. 1991 Standards § 4.19.4;  
22 2010 Standards § 606.5.

23 40. Here, the failure to wrap the plumbing underneath the sink is a  
24 violation of the ADA.

25 41. Mirrors shall be mounted with the bottom edge of the reflecting  
26 surface no higher than 40 inches above the finish floor. 1991 Standards §  
27 4.19.6; 2010 Standards § 603.3.

28 42. Here, the mirror was mounted higher than the maximum permitted

1 and is a violation of the ADA.

2 43. Clear floor space that allows a forward or a parallel approach by a  
3 person using a wheelchair shall be provided at controls, dispensers,  
4 receptacles, and other operable equipment. 1991 Standards § 4.27.2; 2010  
5 Standards § 309.2.

6 44. Here, the failure to provide such floor space is a violation of the law.

7 45. A public accommodation must maintain in operable working condition  
8 those features of its facilities and equipment that are required to be readily  
9 accessible to and usable by persons with disabilities. 28 C.F.R. § 36.211(a).

10 46. Here, the failure to ensure that the accessible facilities were available  
11 and ready to be used by the plaintiff is a violation of the law.

12 47. Given its location and options, plaintiff will continue to desire to  
13 patronize this Restaurant but he has been and will continue to be  
14 discriminated against due to the lack of accessible facilities and, therefore,  
15 seeks injunctive relief to remove the barriers.

16  
17 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**  
18 **RIGHTS ACT** (On behalf of plaintiffs and against all defendants) (Cal Civ §  
19 51-53)

20 48. Plaintiff repleads and incorporates by reference, as if fully set forth  
21 again herein, the allegations contained in all prior paragraphs of this  
22 complaint.

23 49. Because the defendants violated the plaintiffs' rights under the ADA,  
24 they also violated the Unruh Civil Rights Act and are liable for damages. (Civ.  
25 Code § 51(f), 52(a).)

26 50. Because the violation of the Unruh Civil Rights Act resulted in  
27 difficulty, discomfort or embarrassment for the plaintiffs, the defendants are  
28 also each responsible for statutory damages, i.e., a civil penalty. (Civ. Code §



1 55.56(a)-(c.)  
2

3 **PRAYER:**

4 Wherefore, Plaintiff prays that this court award damages and provide  
5 relief as follows:

6 1. For injunctive relief, compelling defendants to comply with the  
7 Americans with Disabilities Act and the Unruh Civil Rights Act. Note: the  
8 Plaintiff is not invoking section 55 of the California Civil Code and is not  
9 seeking injunctive relief under the Disabled Persons Act at all.

10 2. Damages under the Unruh Civil Rights Act which damages provide for  
11 actual damages and a statutory minimum of \$4,000.

12 3. Reasonable attorney fees, litigation expenses and costs of suit,  
13 pursuant to 42 U.S.C. § 12205; Cal. Civ. Code § 52.

14 Dated: January 18, 2017

CENTER FOR DISABILITY ACCESS

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16   
17 By: \_\_\_\_\_  
18 Russell Handy, Esq.  
19 Attorneys for plaintiff  
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